

To whom it may concern,

I am writing about the MPAA wanting to limit some high definition movies being recorded via a DVR system before the release of DVDs. My concern is about sales of the movies, circumvention, and also the possible future of this flag.

With the ability to limit the user experience of movies that they might find interesting would hurt sales. Many times, there are movies that air late at night or early in the morning that the average American can not stay up and watch because the schedule that they maintain. Because of these schedules, many people use DVRs to record their favorite TV shows or movies they want to watch at a later time. With a flag that prevents recording of the movies, it prevents those without the opportunity to watch at the aired time to watch it at a later time.

With the ability to watch at a later time, those that watch the movie, and enjoy it will be then willing to go out and purchase the movie to watch whenever they desire. Without this ability of watching the aired broadcast on their DVR, their thoughts about the movie will subside, and will be forgotten. Since the person has not watched the movie when they were able, they will not purchase the movie since it does not have an impact on their thoughts.

As you can see, the potential to affect one purchase is evident. The possibility that this will happen to many thousands of people or even a million would be a possibility.

Enabling a flag to prevent recordings also encourages anti-competitive stances. When a flag of this nature is enabled on the movie during a broadcast, the DVR system must recognize and obey the flag. For the users that do not use a DVR system from a provider, but a home built system using software such as MythTV (<http://mythtv.org/>), or other digital recording software can ignore the flag. Since software such as MythTV is not written by a big company or any broadcast companies, it allows for features that some companies will not provide.

If this flag is enabled, there will be many those that will go from using a companies DVR to a PVR system because the DVR will not record the shows that the user has selected. To record a show with this flag can either be as easy as ignoring the flag, or if a check is made, to always allow the program to record the show.

Not only can a flag of this sort be easily circumvented, but also a flag of this nature would be detrimental to the TV industry. If a flag of this nature is enabled, there is no prevention on TV shows also enabling this flag for TV shows until the DVD is released. This would mean that if someone that wanted to watch an episode of their favorite TV show, and they missed it. They would not be able to see it unless they use other means of recording the episode or wait until the episode is out on DVD.

The MPAA believes that with this flag those that are sharing movies illegally will be stopped. This is not true, as those that are sharing illegally are already using software that will ignore recording checks. Also with the ability to share files, it gives those a

chance to see a movie for cheap, and decide if they want to purchase the movie. Once the decision has been made to purchase the movie, income from the sale has been made, whereas if the movie was not seen, the sale would not have been made.

As you can see, a flag of this sort on movies will decrease sales of movies, circumvention of the flag is very easy for a consumer, the potential for the flag to be used for other purposed that will inhibit the consumer is present. Also, the idea that sharing movies will decrease profits does not happen, but the ability to share movies increase profits.

Because of the above points, I highly encourage you to decline the presence of a flag that prevents recording of movies until the DVD is released.

Thank you,

Dan Miller